THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 20th July, 2006

W.P.No.25100 of 1998

Between:

The Ramavarappadu Large Sized Coop.
Credit Society, rep. by its President
R. Venkateswara Rao, Prasadampadu,
Vijayawada Rural Mandal, Krishna District … Petitioner

and

The District Cooperative Officer,
Machilipatnam, Krishna District,
and others. … Respondents

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ORDER:

Heard both sides and perused the entire material made available on record.

It is the case of the petitioner that the 6th respondent was working as a Paid Secretary with their society. On 6-5-1996, he applied for two days casual leave. Then, he sought extension of leave upto 23-7-1996. Thereafter, neither there was any extension letter nor any intimation from the 6th respondent to the society. Under those circumstances, the society passed a resolution on 16-5-1996 surrendering the services of the 6th respondent to the 3rd respondent-General Manager and appointing a third party as a Paid Secretary of the Society temporarily with effect from 23-6-1996. In pursuance of the resolution passed by the Society on 16-5-1996, the 3rd respondent gave posting to the 6th respondent in Godavarru PACS and he joined duty with effect from 23-6-1997. But, surprisingly, the impugned Order was passed stating that the salary of the 6th respondent amounting to Rs.55,252/- seems to be for the period he was absent, was sought to be paid from the account of the petitioner-society. Therefore, this Writ Petition.

Respondent No.3 filed a detailed counter affidavit denying the allegations made by the petitioner and stating *inter alia* that the resolution passed by the petitioner-society and the surrender of the 6th

respondent were not proper and, therefore, the impugned Order was passed.

Be that as it may, before passing the impugned Order, no notice of any kind was issued to the petitioner-society fastening liability of Rs.55,252/- for the salary payable to the 6th respondent. Generally speaking, it is for the 6th respondent to raise a dispute before the appropriate authority and work out his remedies. However, in this case, the 3rd respondent has taken up the case on his own and on the ground that the society has no authority to pass the resolution surrendering the 6th respondent, passed the impugned Order.

For all the above reasons, the impugned Order is liable to be set aside and is accordingly set aside. However, the 6th respondent is at liberty to work out his remedies as available under law and the 3rd respondent may also initiate any action as per law, after putting the petitioner on notice and pass appropriate orders as per law.

Accordingly, the Writ Petition is disposed of. No costs.

20-7-2006

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